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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,094	11/21/2005	Miguel Angel Gomez Caudevilla	2002P01457W0US	2414

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EXAMINER
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JACOBSON, MICHELE LYNN

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/534,094

**Applicant(s)**

GOMEZ CAUDEVILLA ET AL.

**Examiner**

MICHELE JACOBSON

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10, 12, 14-17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 14-17 and 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/09 has been entered.

### ***Examiner's Notes***

2. Any objections and/or rejections made in the previous action, and not repeated below, are hereby withdrawn.

### ***Specification***

3. The amendment filed 3/16/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant has amended the specification to recite that the term "insert" is may be expressed by the same German word that means "bushing" and therefore the recitations of "insert" in the specification are to be interpreted as "bushing". It is unclear to the examiner what the

relevance of the interpretation of a German word is since the specification was filed in English and the document to which applicant is claiming foreign priority is written in Spanish. It is the opinion of the examiner that one of ordinary skill in the art at the time the invention was made would not have reasonably understood that applicant's recitation of the term "insert" could be interpreted by relying on translating the word to German and back to English again to mean "bushing" and therefore applicant's amendment to the specification constitutes new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended claims 14-16 to recite that the plastic member forms an envelope or "bushing". For the reasons enumerated above regarding applicant's amendment to the specification, the recitation of "bushing" in claims 14-16 constitutes new matter. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 12, 14, 16, 17, 19, 21-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al. European Patent Publication No. EP 219115 (hereafter referred to as Cinello).

8. Cinello teaches a laundering tub characterized in that the two bearings and a spacer element of the tub are disposed within the sleeve made of a plastic material of higher mechanical resistance than that of the rest of the tub. (Col. 1, lines 52-55) The spacer element is an injection molded plastic element and the sleeve is injection molded around the two bearings and the spacer element after which the rest of the tub is injection molded around the sleeve with the bearings and spacer element disposed therein. (Col. 1, line 57-Col. 2, line 3) Only the sleeve of the invention has to be made of an expensive plastic material capable of sustaining the mechanical stresses acting on the bearings while the rest of the tub can be made of an inexpensive plastic material. (Col.2 lines 7-11) The tub of the invention is adapted to contain a rotatable drum. (Col. 2, line 39) The finished tub is thus made of two different types of plastic material, namely, a more expensive first type having a high resistance against mechanical stresses, only a limited amount of which is employed for injection molding the portion supporting the drive shaft of the drum, and a less expensive second type having a

lesser resistance against mechanical stresses than the previous one, which is injection molded about the plastic material of the first type at a sufficient amount for forming the remainder of the tub. (Col. 3, lines 40-49)

9. Regarding claims 10, 19, 25, 29 and 30: To simplify the invention disclosed by Cinello it would have been obvious to one having ordinary skill in the art at the time the invention was made to have injection molded a plastic member made of material of capable of withstanding mechanical stresses directly onto a metal bearing shell of the type that are conventionally used and universally known in the washing machine art. This obvious modification would have produced the invention as claimed in claims 10, 19 and 25. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have allowed the material injection molded in the first step of Cinello to solidify before performing the second injection molding step to preserve the structural integrity of the structure formed in the first injection molding step. This obvious and well known step of allowing polymer materials to solidify or "cure" would have produced and article claimed in claim 30 by the method as claimed in claim 29.

10. Regarding claims 12, 21-24, 27 and 28: Cinello specifically teaches using multiple injection molding steps to form a wash tub from materials having different properties and utilizing this method of production would have eliminated the step of molding a spacer element for the bearings thus simplifying the method recited by Cinello while still retaining the functionality of having a tub with material of superior mechanical resistance in contact with the bearing shell region. This obvious modification would have produced the invention as claimed in claims 12, 21, 22-24, 27

and 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used as little material as possible to form this region of the tub in order to save money by only use the expensive material where it was needed while finishing the injection molding process of the rest of the tub with less expensive, less mechanically resistant materials as recited by Cinello.

11. Regarding claims 14, 16 and 17: The shape of the plastic member that would be on top of the bearing shell would be dependent on the shape of the bearing shell, cost of mechanically resistant plastic material and the amount of engagement between the bearing shell and the reinforced region of the washing tub that would be necessary for optimum strength between the connection of the bearing shell to the tub. Whether the member of higher strength plastic would be a ring, an insert or a sleeve entirely encompassing all sides of the bearing shell as claimed in claims 14, 16 and 17 would depend on the shape of the bearing shell and the strength of the connection desired. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have selected the optimum configuration of the plastic member after taking all of these factors into consideration. This obvious selection step would have produced the invention as claimed in claims 14, 16 and 17.

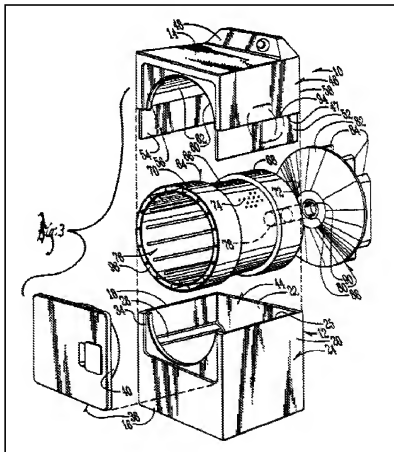
12. Upon considering the scope and content of the prior art, differences between the prior art and the claims at issue and having resolved the level of ordinary skill in the pertinent art it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made obvious modifications to the invention recited by

Cinello in order to produce the article and method as recited in claims 10, 12, 14, 16, 17, 19, 21-25 and 27-30

13. Claims 15, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinello et al. European Patent Publication No. EP 219115 (hereafter referred to as Cinello) and Johnson U.S. Patent No. 5,711,170 (hereafter referred to as Cinello).

14. Cinello teaches what has been recited above but is silent regarding the disposition of ribs on the plastic member formed prior to the injection molding of the rest of the tub.

15. Johnson teaches a splined shaft **78** extending rearwardly from the rear wall **72** of a fabric basket **64** through a bearing **88** mounted within a spinner support **80**. Spinner support **80** is comprised of a circular plate **82** having rearwardly projecting vertical ribs **84** and also having a centrally located circular motor cavity **86** provided on the rear surface





thereof. Spinner support **80** includes a centrally located shaft hole **90** which receives the splined shaft **78**, and which is surrounded by the bearing **88**. The spinner support **80** is shown in FIG. 4 to be attached to rear wall **22** of the cabinet by means of screws **92**, but other securing means may be used. For example ridges or grooves may be provided in the rear wall **22** which mate with and interlock with complimentary ridges or flanges on the rear surface of spinner support **88**. It is preferable that the spinner support **80** be formed from molded plastic, although it may be made of other materials. A motor **94** is attached to the rearward end of splined shaft **88** and drives the fabric basket **64** rotationally. (Col. 3, lines 28-45, Fig. 3)

16. Johnson and Cinello are both directed towards washing machines and encompass analogous art. The ridges or grooves recited by Johnson to provide a connection between the spinner support and complementary surfaces on the rear wall of the washing machine are a beneficial alternative to the use of screws to connect these two pieces of the washing machine together. As evidenced by Johnson the use of ridges or grooves engaged with complementary surfaces was known in the washing machine art at the time the instant invention was made.

17. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have formed the plastic member made of mechanically resistant material disposed on the bearing shell to have ridges or grooves in order to provide a stronger connection between the plastic member and the remainder of the tub that would be injection molded from weaker material as claimed in claims 15, 20 and 26. This configuration would provide for a larger surface area of engagement between the

plastic member as well as a stronger connection than what would be provided by simply injection molding the tub region on a plastic member with a flat surface.

***Response to Arguments***

18. Applicant's arguments filed 3/16/09 have been fully considered but they are not persuasive.

19. Applicant has asserted on page 12 of the remarks that the teachings of Cinello that the teachings of Cinello differ from the invention claimed by applicant. However, applicant has failed to address the examiner's stated motivation for modifying the teachings of Cinello or the invention that would be produced by the obvious modification of the teachings of Cinello. Therefore, applicant has not refuted the prima facie case of obviousness set forth in the previous office action.

20. In response to applicant's argument on page 13 of the remarks that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELE JACOBSON whose telephone number is (571)272-8905. The examiner can normally be reached on Monday-Thursday 8:30 AM-7 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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